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EXAMINER

PECHHOLD, ALEXANDRA K

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| ART UNIT | PAPER NUMBER |
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3673

DATE MAILED: 11/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,129

Applicant(s)

HONE, GEORGE DEAN

Examiner

Alexandra K Pechhold

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Veenema (US 3,989,157). Veenema discloses a floor element, seen as floor (20) in Fig. 1, and two wall elements, seen as panels (14, 16) in Fig. 1, which are positioned atop the floor element and positioned spacedly apart from one another and extending uprightly from the floor element. A ceiling element positioned atop the two wall elements is seen as panel (18) in Fig. 1. With respect to the recitation in lines 2-3, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Veenema (US 3,989,157) as applied to claim 1 above, and further in view of Shepherd (US 4,620,339). Veenema discloses the limitations of the claimed invention except for at least one panel defining an elongate channel therein dimensioned to receive and retain wiring. Veenema discloses channels formed between the panels (14, 18) and upper rail (30a) as seen in Fig. 2. Shepherd teaches a loading bridge for aircraft consisting of tunnels (A, B, C), utilizing a carrier (42) and casing (46) to accommodate power and communication cables and lines running from the terminal to the aircraft as seen in Figs. 1 and 2 (Col 3, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to panels of Veenema be dimensioned to receive and retain wiring as taught by Shepherd, since Veenema discloses a channel between the rails and panels which could accommodate wiring, and Shepherd teaches that power and communication cables and lines are needed along the passageway between an aircraft and terminal (Col 3, lines 45-50). Furthermore, by location the wiring inside the panel structure, the wiring is protected from harmful exterior environmental conditions and damage.

5. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veenema (US 3,989,157).

Regarding claim 3, 4, and 5, Veenema fails to disclose the wall, floor, or ceiling elements fabricated from a plurality of panels, instead merely disclosing two wall panels (14, 16), a ceiling panel (18), and a floor (20). It would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify panels (14, 16, 18) and floor (20) of Veenema to be comprised of numerous panels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. The longitudinal axes of the panels (14, 16, 18) and floor (20) are oriented parallel to a longitudinal axis of the passageway as illustrated in Fig. 1.

Regarding claim 6, Veenema discloses a passageway module comprising a floor element, seen as floor (20) in Fig. 1, and two wall elements and a ceiling element, seen as panels (14, 16, 18) in Fig. 1. Veenema discloses a connection structure, seen as top rails (30a, 30b) and lower rails (34a, 34b) shown in Fig. 1. With respect to the recitations in lines 1-2 and 12-13, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Although Veenema fails to disclose a plurality of modules, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify panels (14, 16, 18) and floor (20) of Veenema to be comprised of numerous panels and floor pieces so as to form a plurality of modules, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 7, Veenema discloses a pair of frame structures, seen as upper rail (30a) and lower rail (34a) in Figs. 1 and 2, having an upwardly extending ear and downwardly extending ear, seen as the downwardly extending portion of rail (30a) and the upwardly extending portion of rail (34a). A first pair of angle defining, elongate connection elements are seen as flanges (46, 54) in Fig. 5 on upper rail (30a). A second pair of angle defining, elongate connection elements are seen as flanges (76, 68) in Fig. 2 on lower rail (34a). An engaging structure can be viewed as teeth (64) or ridge (66) shown in Fig. 2. With respect to the recitations in lines 4-6, 7-9, and 10-13, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 8, Veenema illustrates quadrilateral frames, seen as the rails (30a, 34a) in Figs. 1 and 2. These rails define a passageway opening therethrough between the flanges (54, 46 and 44, 52) in the upper rail (30a), and flanges (76, 68) in lower rail (34a).

Regarding claim 9, Veenema discloses a bolt, seen as ridge (66) in Fig. 2, although fails to disclose a nut in combination therewith. Veenema states that the ridge (66) penetrates the respective panel core (22) and cooperates with walls (62) to hold the molding (60) securely on the end of the panel (Col 2, lines 59-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge (66) of Veenema to be utilized in

combination with a nut, since Veenema utilizes the ridge (66) as a fastening means between the molding (60) of the rail (30a) and the panel (Col 2, lines 59-63), and substituting a nut and bolt would accomplish the same purpose of fastening, and nuts and bolts are commonly used, readily accessible fastening means.

Regarding claim 10, Veenema discloses that a conventional adhesive may be provided between a panel and a molding (60) on the rails (Col 2, lines 56-57).


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al (US 3,399,545) and Anderson et al (US 3,399,545) disclose connection apparatuses. Meacham et al (US 5,711,444) discloses a transport chamber. Magill (US 3,808,626) discloses a mobile passenger bridge. Shepherd (US 4,715,077), Weese (US 3,747,147), Lodjic (US 3,843,987), Shepherd (EPO 0258044) disclose passenger loading bridges. Magne (US 5,505,237) discloses an aircraft refueling installation. Augustine (US 5,526,622) discloses a trailer side panel assembly. Zhou (US 6,212,724) and Mitchell et al (US 5,761,757) disclose passenger boarding bridges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
11/17/01